

London Borough of Enfield

Portfolio Report

Report of: Jon Sharkey – Head of Public Realm

Subject: Provision of Processing, Bulking and Haulage of Dry Mixed Recycling, Garden and Food

Cabinet Member: Cllr. R Jewell, Cabinet Member for Environment

Executive Director: Sarah Cary

Ward: All

Key Decision: KD 5558

Purpose of Report

1. This report sets out the proposed route to treat dry mixed recycling, garden and food waste collected from households in the London Borough of Enfield (LBE).
2. The report explores the options as to whether to go out to Market to procure a new treatment contract(s) or to send materials through the North London Waste Authority (NLWA).
3. The report includes the benefits, opportunities and challenges for both routes. Some of the information within this report is commercially sensitive.

Proposal(s)

4. That the Cabinet Member for Environment:
5. Approves the proposal that LBE joins the NLWA contract for dry mixed recycling, garden and food recycling.
6. See Confidential Appendix
7. Delegates to the Director of Environment the approval of any documentation needed to be signed in order to implement the proposals included within this report.

Reason for Proposal(s)

8. See Confidential Appendix
9. Benefits include:
10. See Confidential Appendix
11. Improved engagement and communication support from the NLWA to help with reducing contamination from households which could lead to increased recycling.
12. See Confidential Appendix

Considerations:

13. It is worth noting that the nature of the dry mixed recycling contract means there is natural fluctuation around the contract cost as this is dependent on the quality of material sent and the material value in the market place at the time.
14. See Confidential Appendix
15. See Confidential Appendix
16. See Confidential Appendix

Relevance to the Council's Plan

17. Good homes in well-connected neighbourhoods

The new contract arrangements will maintain continuity of the waste collection service for the benefit of all Enfield residents. The ability to maintain a high standard of waste collection to households and preserve the public realm will help continue and enhance the position of LBE as a place to invest and as a great place to live.

18. Sustain strong and healthy communities

The new contract arrangements with the NLWA can contribute positively to our strategic goals of making LBE a healthier and greener place by supporting services that can allow people to take greater responsibility for how they manage their waste and encourage recycling, composting and assist with meeting our ambitions for a clean green environment as stated in our Corporate Plan.

19. Build our local economy to create a thriving place

The new contract arrangements support waste collection services to residents which provides local employment opportunities and delivers waste collection to local businesses. The contract should support the delivery of other aspects of environmental works with greater confidence

as we know a fundamental tenet of how we manage the environment has been secured. This should benefit our ambitions as expressed in our Corporate Plan and our ambition to preserve heritage, maintain the quality of our parks and green space and contribute to the delivery of an Enfield that is a place to enjoy from childhood to old age.

Climate Action and Climate Conscious

20. Whilst waste has a relatively small impact on carbon emissions, it is a major environmental concern so any improvement in the processing approach will be beneficial.

Background

21. LBE currently collects around 20,000 tonnes of dry mixed recycling, 7,900 tonnes of food recycling and 6,700 tonnes of garden recycling.
22. See Confidential Appendix

Soft Market Testing

23. A Prior Information Notice (PIN) was placed on London Tenders Portal on the 10th November 2022 inviting potential suppliers to participate in Soft Market Testing (SMT) exercise.
24. The process consisted of suppliers expressing an interest, after which interested parties were sent a questionnaire to complete concerning Processing, Bulking and Haulage of Dry Mixed Recycling, Garden Waste and Food Waste. A deadline of 5:00pm on Thursday 24th November 2022 for completed responses was set, and no requests to extend this date were received.
25. See Confidential Appendix
26. See Confidential Appendix
27. All were invited to partake in SMT Meetings, which took place from the 1st to the 14th December 2022.
28. All the meetings held covered the same elements to ensure fairness and consistency. The key findings are summarised below:

Material Stream Interest and Facility Capacity

29. See Confidential Appendix
30. See Confidential Appendix
31. See Confidential Appendix

Waste Transfer Station and Onwards Haulage

- 32. See Confidential Appendix
- 33. See Confidential Appendix
- 34. See Confidential Appendix
- 35. See Confidential Appendix

Lots

- 36. See Confidential Appendix
- 37. See Confidential Appendix
- 38. See Confidential Appendix

Summary of Soft Market Testing

- 39. See Confidential Appendix
- 40. See Confidential Appendix
- 41. See Confidential Appendix
- 42. See Confidential Appendix

North London Waste Authority

- 43. NLWA is the statutory Waste Disposal Authority for LBE and six other constituent boroughs (Waste Collection authorities, 'WCAs').
- 44. There is a legal duty for all refuse to be sent to NLWA for disposal. It is optional whether recyclables are also included. The other six boroughs currently send all their recycling to NLWA.
- 45. See Confidential Appendix
- 46. There is a 'Partnership Board', chaired by a NLWA representative with representatives from each WCA which considers operational strategies including any proposed or likely changes to borough waste collection.
- 47. See Confidential Appendix
- 48. See Confidential Appendix
- 49. See Confidential appendix
- 50. See confidential appendix

Contract mechanics for dry mixed recycling

- 51. See Confidential Appendix
- 52. See Confidential Appendix
- 53. See Confidential Appendix
- 54. See Confidential Appendix
- 55. See Confidential Appendix
- 56. See Confidential Appendix
- 57. See Confidential Appendix
- 58. See Confidential Appendix
- 59. See Confidential Appendix
- 60. See Confidential Appendix
- 61. See Confidential Appendix

Main Considerations for the Council

- 62. The main consideration is:
- 63. See Confidential Appendix
- 64. See Confidential Appendix

Safeguarding Implications

- 65. It is not believed that there are any safeguarding implications from the proposals set out within this report.

Public Health Implications

- 66. It is not believed that there are significant public health implications from the proposals outlined within this report.

Equalities Impact of the Proposal

- 67. It is not believed that there are any equalities implications from the proposals set out within this report.

Environmental and Climate Change Considerations

- 68. See Confidential Appendix
- 69. NLWA, through their contracts are continuously sourcing UK/EU based off-takers for material reprocessing where possible, all plastics are reprocessed within the UK.
- 70. See Confidential Appendix

Risks that may arise if the proposed decision and related work is not taken

- 71. See Confidential Appendix
- 72. See Confidential Appendix
- 73. See Confidential Appendix

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 74. See Confidential Appendix

Financial Implications

- 75. This report sets out the proposed route to treat dry mixed recycling, garden and food waste collected from households in the London Borough of Enfield (LBE). The report explores the option whether to go out to Market to procure a new treatment contract(s) or to send materials through the North London Waste Authority (NLWA). The report includes the benefits, opportunities and challenges for both routes.
- 76. See Confidential Appendix
- 77. See Confidential Appendix
- 78. See Confidential Appendix
- 79. See Confidential Appendix

Legal Implications

- 80. The NLWA is established as a statutory joint waste disposal authority under Schedule 1 of the Waste Regulation and Disposal (Authorities) Order 1985. Schedule 1 lists Enfield as one of seven Constituent Councils of the NLWA.

81. The Council has a duty to deliver for disposal all waste which is collected by the Council to places that the NLWA directs under section 48(1) of the Environmental Protection Act 1990 (the EPA). This duty does not apply to household waste or commercial waste which the Council has made arrangements for the recycling of under section 48(2) of the EPA. Accordingly, section 48(2) EPA gives the Council, as a waste collection authority, the power to make arrangements for the recycling of household waste or commercial waste in its area.
82. In addition, the Council has the power under s.1(1) Localism Act (2011) to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. Under s.111 Local Government Act (1972) local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions.
83. Section 101 of the Local Government Act 1972 (LGA 1972) provides that, subject to any express provision contained in the LGA 1972 or any Act passed after it, a local authority may arrange for the discharge of any of its functions by, among others, any other local authority (except for executive functions).
84. See Confidential Appendix
85. See Confidential Appendix
86. See Confidential Appendix
87. All documentation required to implement the proposals contained in this Report should be in a form approved by Legal Services on behalf of the Director of Law and Governance.

Workforce Implications

88. There are no workforce implications from the proposal outlined in this report.

Property Implications

89. There are no property implications from the proposals outlined within this report.

Other Implications

90. This service will not be following a formal procurement route, however there will be a need for contract monitoring throughout the contract term.

91. It is the expectation that this contract will be fully managed in accordance with the different tasks defined within the tiering tool proposed contract management framework. It will be expected that there will be a named officer responsible for overseeing this contract and reporting back to EMT on a regular basis. Procurement Services will also be available to provide further guidance and advice in the contract management process should this be required.

Options Considered

92. See Confidential Appendix
 - a) See Confidential AppendixOR
 - b) See Confidential Appendix
93. See Confidential Appendix

Conclusions

94. See Confidential Appendix
95. See Confidential Appendix
96. See Confidential Appendix

Report Author: Jon Sharkey – Head of Public Realm

Date of report: 28 December 2022

Appendices

Confidential Appendix for Provision of Processing, Bulking and Haulage of Dry Mixed Recycling, Garden and Food – not to be published

Para 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Background Papers

The following documents have been relied on in the preparation of this report:
None